IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 18TH DECEMBER 2007 / 27TH AGRAHAYANA 1929

WP(C).No. 29294 of 2007(K)

PETITIONER:

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1. SATHYAN P., AGED 41 YEARS, S/O. ISSAC,
'ALPHONSA BHAVAN', PULLOOPPY KANNADI PARAMBU,
KANNADIPARAMBU VILLAGE, KANNUR TALUK, KANNUR.

2. ALBERT, AGED 46 YEARS, S/O. VINCENT,
JOLLY BHAVAN, PULLOOPPY KANNADI PARAMBU,
KANNADIPARAMBU VILLAGE, KANNUR TALUK,
KANNUR.

BY ADV. SRI.VIJU THOMAS
SMT.M.MEENA JOHN

RESPONDENTS:

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1. ASSISTANT EXECUTIVE ENGINEER,
ELECTRICAL SUB DIVISION, VALAPATNAM.

2. SMT. K.CHANDRIKA, AGE NOT KNOWN,
W/O. HARIDASAN,
PULLOOPPY, KANNADIPPARAMBU P.O.
KANNUR.

3. THE DISTRICT COLLECTOR,
KANNUR, REPRESENTED BY ADDL. DISTRICT MAGISTRATE,
KANNUR.

BY ADV. SRI.P.P.THAJUDEEN, SC, K.S.E.B

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) No. 29294/2007

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF THE SKETCH SHOWING THE LOCATION OF THE HOUSES OF THE PETITIONERS AS WELL AS NEIGHBOURS.

P2 : COPY OF REPRESENTATION DATED 19/09/2006 BEFORE 3RD RESPONDENT.

P3(a) : COPY OF NOTICES DATED 24/11/2006 ISSUED TO 1ST PETITIONER BY 1ST RESPONDENT.

P3(b) : COPY OF NOTICES DATED 24/11/2006 ISSUED TO 2ND PETITIONER BY 1ST RESPONDENT.

P4(a) : COPY OF OBJECTION DATED NIL FILED BY 1ST PETITIONER TO 1ST RESPONDENT.

P4(b) : COPY OF OBJECTION DATED NIL FILED BY 2ND PETITIONER TO 1ST RESPONDENT.

P5 : COPY OF REPRESENTATION DATED 24/11/2006 FILED BY 1ST PETITIONER TO 3RD RESPONDENT.

P6 : COPY OF ORDER DATED 22/09/2007 PASSED BY 3RD RESPONDENT.

// TRUE COPY //

PA TO JUDGE.

jg

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 29294 of 2007

Dated, this the 18th day of December, 2007

J U D G M E N T

Heard learned counsel for petitioners and learned standing counsel appearing for Kerala State Electricity Board.

2. I have gone through the sketch produced by learned standing counsel for KSE Board. Petitioners have objected the present proposal, which is to convert the weather proof line, from posts 'B' to 'C', and to draw overhead line across the property of the 2nd petitioner, to the point 'D', which is in the property of one Mr.Ebrahim, who has given consent, for giving connection to the beneficiary. However, on going through the sketch, I find line could be drawn from posts 'A' to 'J' and from 'J' to 'K' over the boundary of property of both the petitioners and from post 'K' the line can be drawn to 'L' and from post 'L' connection can be given to the beneficiary through weather proof cable. Since Mr.Suresh Babu and Mr.Ebrahim, on whose property posts K and L are proposed, have given consent and since petitioners have no objection in drawing the line from posts 'A' to 'J' and from posts 'J' to 'K' over the boundary of their property, this writ petition is disposed of directing 1st respondent to give connection to the 2nd respondent by drawing

overhead line from posts 'A' to 'J' and from posts 'J' to 'K', over the boundary of petitioners' property and to post 'L' and give connection to the beneficiary through weather proof cable drawn from post 'L'. There will be direction to 1st respondent to draw the line through the boundary of the property of all the parties and install posts 'K' and 'L' in the boundary of property of Mr.Suresh Babu and Mr.Ebrahim respectively. There will be direction to the 1st respondent to give connection to the beneficiary immediately.

(C.N.RAMACHANDRAN NAIR, JUDGE)

jg